

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 90002

James Morganthal III

7421 North Point Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on April 20, 2011 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR). The Respondent was charged with violating BCZR §101, 102.1, 1B01.1 and 415A: untagged boat(s) on property, storage of boat in front yard of dwelling and having more than one (1) boat on the property.

On March 16, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector David Gaine issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$4,500.00 (four thousand five hundred dollars).

The following persons appeared for the Hearing and testified: James Morganthal, Respondent and owner of the property and David Gaine, Baltimore County Code Enforcement Officer.

Inspector Gaine presented the County's case and submitted several photographs showing an untagged boat in the front yard of the dwelling (known as 7421 North Point Road), and also the presence of more than one (1) recreational boat on the premises. These photos, along with the inspector's testimony concerning same, establish the violation of the above-cited BCZR provisions. The Respondent testified that he was in the process of working on the aluminum-hulled boat, and acknowledged that he was permitted to store only one boat on the property, which must be tagged and kept in the rear yard, pursuant to BCZR §415A.

THEREFORE:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that \$900.00 of the \$1,000.00 civil penalty be suspended, with an immediate \$100.00 fine imposed at this time. If not paid within 30 days of billing, the \$100.00 penalty shall be placed as a lien upon the premises.

IT IS FURTHER ORDERED that the suspended \$900.00 civil penalty be imposed if the property is not brought into compliance by May 6, 2011.

IT IS FURTHER ORDERED that the suspended \$900.00 civil penalty be imposed if there is a subsequent finding against the Respondent for the same violation within one year of the date of this Order.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 22nd day of April 2011

Signed: ORIGINAL SIGNED
John E. Beverungen
Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

JEB/jaf